

North Dakota Board of Nursing

Meeting Minutes – September 18, 2008

Call to Order: September 18, 2008 at 8:30 a.m. – ND Board of Nursing Conference Room, 919 S 7th St, Suite 504, Bismarck, ND.

Roll Call: Nine board members present as follows:

Nelson (Buzz) Benson, RN, President
Charlene Christianson, RN, Treasurer
Roxane Case, Public Member
Daniel Rustvang, RN
JoAnn Sund, RN (left at 2:30 p.m. 9/18)

Julie Traynor, RN, Vice-President
Elizabeth Anderson, LPN
Melisa Frank, LPN
Mary Tello-Pool, LPN

Staff Present:

Constance Kalanek, RN, Executive Director
Patricia Hill, RN, Asst. Director for Practice & Discipline
Linda Shanta, RN, Associate Director for Education

Karla Bitz, RN, Associate Director
Julie Schwan, Admin Services Coordinator

Observers were present as indicated on the attached sign in roster.

MINUTES REFLECT ACTIVE AGENDA ITEMS THAT WERE REVIEWED AND DISCUSSED AT THE MEETING.

AGENDA ITEM	ACTION
New Board Members	Two new board members have been appointed by Governor Hoeven through July 1, 2012. Daniel Rustvang, RN is a Nurse Practitioner from Grand Forks and Melisa Frank is a LPN from Dickinson, ND.
1.1 Consent Agenda	<p><i>Discussion:</i> The board reviewed the consent agenda.</p> <p><i>Motion:</i> Traynor, seconded by Sund to: ADOPT THE CONSENT AGENDA AS PRESENTED.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>
1.2 Agenda	<p><i>Discussion:</i> The agenda was reviewed as distributed.</p> <p><i>Motion:</i> Sund, seconded by Anderson to: APPROVE THE AGENDA AS DISTRIBUTED.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>
1.3 Open Forum 9:00 a.m.	Open forum was called at 9:00 a.m. Rita Rafferty, Administrator of the Good Samaritan Society in Larimore was present to address the board regarding a practice without a registration issue for one of their staff members, Maxine Barry. Ms. Rafferty indicated the facility had opened 10 new assisted living apartments and hired and trained medication assistants to be hired as a “universal worker”. The facility was not aware that a person administering medications needed to be registered on the medication assistant registry. Ms. Rafferty indicated that there would be no way an individual hired would know of the requirement, and that the reprimand with the administrative settlement was too severe. Ms. Rafferty requests the board to consider removing the disciplinary action from Ms. Barry’s record, or substantially reduce the five year time frame that it will remain on her record. She also indicated that Good Samaritan Society’s require on employment criminal history record check, and that in some states they are able to get the results of the licensure criminal history record check. She indicated they will be working on a solution so that their employees do not need to do two background checks.
2.1 July 17, 2008 Meeting Minutes	<p><i>Discussion:</i> The minutes of the July 17, 2008 meeting were reviewed. No changes were identified.</p> <p><i>Motion:</i> Traynor, seconded by Case to: APPROVE THE MINUTES OF THE JULY 17, 2008 MEETING AS DISTRIBUTED.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>
2.2 August 22, 2008 Meeting Minutes	<p><i>Discussion:</i> The minutes of the August 22, 2008 meeting were reviewed. No changes were identified.</p> <p><i>Motion:</i> Anderson, seconded by Sund to: APPROVE THE MINUTES OF THE AUGUST 22, 2008 MEETING AS DISTRIBUTED.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>
3.1 Financial Statements	Financial Statements through August 31, 2008 were reviewed. The board reviewed the comparison in actual expenditures to date from last year to this year. Actual Income is at 7% and actual expenses were at 14% of budgeted.
3.3 Bylaws 08	<i>Discussion:</i> The Executive Committee met September 2, 2008 and reviewed a proposed change to the by-laws to require a board member on all committees, including committees at the staff level. The purpose of this change is to foster better communication and have a board member perspective on committees. The board agreed to the change and because it is a by-law change, cannot be voted on until the next meeting.

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3.31 Criteria for Committee Membership	<p><i>Discussion:</i> The by-laws were revised at the last meeting to add additional non-board members to the committees. The board reviewed criteria for selection of committee members for the Program Monitoring Committee, Nurse Practice Committee, and the Nursing Education Committee.</p> <p><i>Motion:</i> Sund, seconded by Traynor to:</p> <p>APPROVE THE FOLLOWING:</p> <ul style="list-style-type: none">• PROPOSED PROGRAM MONITORING COMMITTEE HEALTHCARE COMMUNITY REPRESENTATIVE SELECTION CRITERIA• PROPOSED NURSE PRACTICE COMMITTEE SELECTION CRITERIA• PROPOSED NURSING EDUCATION COMMITTEE SELECTION CRITERIA. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>																																			
3.32 Proposed Revision to Conflict of Interest Form	<p>At their September 2, 2008, the Executive Committee recommended that Benson and Bergeson (with Kalanek present) prepare a conflict of interest disclosure process or policy for consideration by the Board. Benson indicated that he and Bergeson had not had a chance to meet to prepare a draft for the board's review, and indicated that a draft will be prepared prior to the next meeting.</p>																																			
4.1 Administrative Settlements – Practice	<p><i>Discussion:</i> Six individuals have signed and submitted an administrative settlement for practice without a license/registration since the last meeting. Each was reviewed and considered by the Board. A letter from Maxine Barry's employer will be included in her file. The board discussed whether there could be a reminder to facilities regarding the UAP and medication assistant registry requirements.</p> <p><i>Motion:</i> Traynor, seconded by Sund to:</p> <p>ACCEPT THE ADMINISTRATIVE SETTLEMENTS FOR PRACTICE WITHOUT A LICENSE/REGISTRATION FOR THE FOLLOWING INDIVIDUALS:</p> <table><tr><th>NAME</th><th>LIC/REG #</th><th>CITY, STATE</th><th>SANCTION</th><th>PENALTY FEE</th></tr><tr><td>Anderson, Jennifer</td><td>97142UAP</td><td>Fargo, ND</td><td>Reprimand</td><td>\$400</td></tr><tr><td>Barry, Maxine</td><td>UAP App</td><td>Larimore, ND</td><td>Reprimand</td><td>\$200</td></tr><tr><td>Gebeke, Michele</td><td>L9388</td><td>Tower City, ND</td><td>Reprimand</td><td>\$1000</td></tr><tr><td>Loibl, Michelle</td><td>103627UAP</td><td>Valley City, ND</td><td>Reprimand</td><td>\$100</td></tr><tr><td>Reck, Derrick</td><td>103359UAP</td><td>Grand Forks, ND</td><td>Reprimand</td><td>\$100</td></tr><tr><td>Swanson, Deborah</td><td>R21441</td><td>Grand Forks, ND</td><td>Reprimand</td><td>\$1000</td></tr></table> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, no; Traynor, yes; 8 yes, 1 no, 0 absent. Motion carried.</p>	NAME	LIC/REG #	CITY, STATE	SANCTION	PENALTY FEE	Anderson, Jennifer	97142UAP	Fargo, ND	Reprimand	\$400	Barry, Maxine	UAP App	Larimore, ND	Reprimand	\$200	Gebeke, Michele	L9388	Tower City, ND	Reprimand	\$1000	Loibl, Michelle	103627UAP	Valley City, ND	Reprimand	\$100	Reck, Derrick	103359UAP	Grand Forks, ND	Reprimand	\$100	Swanson, Deborah	R21441	Grand Forks, ND	Reprimand	\$1000
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4.3 Voluntary Surrender	<p><i>Discussion:</i> Three individuals have signed and submitted voluntary surrenders, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Voluntary Surrenders. The Board reviewed an explanation provided by Theresa Neset which will be included in the file.</p> <p><i>Motion:</i> Anderson, seconded by Case to:</p> <p>APPROVE AND ACCEPT THE TERMS OF THE PROPOSED VOLUNTARY SURRENDER AS A FINAL ORDER OF THE BOARD FOR THE FOLLOWING INDIVIDUALS:</p> <table><tr><th>NAME</th><th>LIC/REG #</th><th>CITY, STATE</th><th>PENALTY FEE</th></tr><tr><td>BERGE, ROBYN</td><td>L9540</td><td>FARGO, ND</td><td>\$200</td></tr><tr><td>NELSON, THRESSA</td><td>97809UAP</td><td>EDINBURG, ND</td><td>\$100</td></tr><tr><td>NESET, THERESA</td><td>101257UAP/MA</td><td>MAYVILLE, ND</td><td>N/A</td></tr></table> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>	NAME	LIC/REG #	CITY, STATE	PENALTY FEE	BERGE, ROBYN	L9540	FARGO, ND	\$200	NELSON, THRESSA	97809UAP	EDINBURG, ND	\$100	NESET, THERESA	101257UAP/MA	MAYVILLE, ND	N/A																			
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4.41 Stipulation for Settlement – Amy Momerak, R30749	<p><i>Discussion:</i> Sund recused herself from this agenda item. A Stipulation for Settlement was received from Amy Momerak, RN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3)(5)(6)and NDAC 54-02-07-01.1 (5) (6) (7).</p> <p><i>Motion:</i> Case, seconded by Anderson to:</p> <p>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR AMY MOMERAK, RN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none">♦ ENCUMBER THE LICENSE FOR THREE YEARS, WITH PARTICIPATION IN THE WORKPLACE IMPAIRMENT PROGRAM DURING THE PERIOD OF ENCUMBRANCE;♦ ASSESS A \$1200.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND♦ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, recuse; Tello-Pool, yes; Traynor, yes; 8yes, 0 no, 0 absent, 1 recuse. Motion carried.</p>																																			

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4.42 Stipulation for Settlement – Miranda Zopfi, L10660	<p><i>Discussion:</i> A Stipulation for Settlement was received from Miranda Zopfi, LPN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (5)(6) and NDAC 54-02-07-01.1 (8).</p> <p><i>Motion:</i> Sund, seconded by Traynor to:</p> <p>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR MIRANDA ZOPFI, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ENCUMBER THE LICENSE FOR THREE YEARS, WITH PARTICIPATION IN THE WORKPLACE IMPAIRMENT PROGRAM DURING THE PERIOD OF ENCUMBRANCE; ◆ ASSESS A \$600.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9yes, 0 no, 0 absent. Motion carried.</p>
4.10 Miscellaneous Discipline Issues	<p>Bitz reported on the following individuals licensure status:</p> <ul style="list-style-type: none"> • Shawn Jacob, R25798, Bismarck, ND - Suspended for a period of three years for violating terms and conditions of WIP. • Lynsee Kemmer, R32136, Fargo, ND – Temporarily suspended until submits to a chemical dependency evaluation. • Nicole Aasland, R30132, Fargo, ND – Suspended for a period of three years for violating terms and condition of WIP and board order.
5.21 Dakota Nursing Program Request to add FBCC to consortium	<p><i>Discussion:</i> Traynor recused herself from this agenda item and represented the Dakota Nursing Program as their Director. The Dakota Nursing Program is requesting addition of Fort Berthold Community College to the Dakota Nursing Program as a full partner within the DNP consortium. Dr. Clarice Baker Big Back, Linda Tharp, WSC coordinator, and Janet Johnson, site coordinator were present from FBCC. Traynor indicated that there is good community and college support for the program. Shanta reviewed the staff analysis, and indicates the request meets the requirements of the rules.</p> <p><i>Motion:</i> Anderson, seconded by Rustvang to:</p> <p>APPROVE THE REQUEST FROM DAKOTA NURSE PROGRAM TO ADD FT BERTHOLD COMMUNITY COLLEGE TO THE CONSORTIUM AS THE REQUIREMENT FOR NDAC 54-03.2-07-03.1 PROGRAM DELIVERY HAVE BEEN MET.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, recuse; 8 yes, 0 no, 1 recuse, 0 absent. Motion carried.</p>
5.22 Concordia College notification of closure of graduate program	<p><i>Discussion:</i> The board reviewed a letter from Concordia College reporting the closure of their graduate program through the Tri-College University Graduate Nursing Consortium. It was reported that all individuals enrolled in the program have completed their education and that the transcripts will be retained in the registrar's office at Concordia College.</p> <p><i>Motion:</i> Traynor, seconded by Sund to:</p> <p>ACCEPT THE REPORT FROM CONCORDIA COLLEGE REPORTING CLOSURE OF THE GRADUATE PROGRAM ACCORDING TO NDAC 54-03.2-09-02 VOLUNTARY CLOSING.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, recuse; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 recuse, 0 absent. Motion carried.</p>
5.23 UTTC Notification of NCLEX-PN pass rate and extension of approval	<p><i>Discussion:</i> Evelyn Orth, Director of UTTC Nursing Program was present for this agenda item. United Tribes Technical College has submitted their second-year follow-up information to the plan of correction for the deficiency related to NDAC 54-03.2-07.01.1 Performance of graduates on licensing examinations. First time NCLEX pass rates for the program have risen to 88.89% for FY 07-08. UTTC reported that they have added criteria to NUR 250-NCLEX Review Course that requires a student who does not achieve 90% of the predicted score on the standardized NCLEX predictor exam must demonstrate successful completion of an on-line NCLEX preparation course at the student's expense. Staff requested program director to have UTTC legal counsel review requirement for the students to pay for the additional NCLEX preparation course if the do not meet the 90% pass requirement. UTTC legal counsel has responded that the policy is acceptable. The program also requests continued approval through November 2011.</p> <p><i>Motion:</i> Traynor, seconded by Sund to:</p> <p>MOVE THAT THE BOARD</p> <ul style="list-style-type: none"> • APPROVE THE SECOND-YEAR FOLLOW-UP INFORMATION TO THE PLAN OF CORRECTIVE ACTION FOR THE DEFICIENCY RELATED TO PASS RATES IN NDAC 54-03.2-07-01.1 PERFORMANCE OF GRADUATES ON LICENSING EXAMINATION AND; • GRANT CONTINUED APPROVAL OF THE UTTC AASPN PROGRAM THROUGH NOVEMBER 2011 ACCORDING TO NDAC 54-03.2-07-03. FULL APPROVAL STATUS. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>

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5.41 Request for CE Vendor link on Board's website	<p><i>Discussion:</i> The board's website lists CE providers according to a policy adopted in September 2006. Two vendors have requested the addition of their link on the board's website.</p> <p><i>Motion:</i> Traynor, seconded by Christianson to: APPROVE THE REQUEST BY THE FOLLOWING CE PROVIDERS TO BE DISPLAYED ON THE NDBON WEBSITE:</p> <ul style="list-style-type: none"> • MERION PUBLICATIONS • RN.COM <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>		
5.42 Ratification of Approval of workshops, etc for Contact Hours	<p><i>Discussion:</i> The board reviewed a list of courses approved by board staff for contact hours as of September 17, 2008.</p> <p><i>Motion:</i> Anderson, seconded by Case to: RATIFY APPROVAL OF THE WORKSHOPS FOR CONTACT HOURS SUBMITTED TO THE ND BOARD OF NURSING, WHICH INCLUDES COURSES #699 THROUGH #719.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>		
5.43 Policy Revision CE Provider Request for Display on Website	<p><i>Discussion:</i> The board reviewed recommended revisions to the "Continuing Education Providers Request to be Displayed on ND Board of Nursing Web Site" that allows for staff approval according to the board's guidelines, with ratification of the approval at the next meeting.</p> <p><i>Motion:</i> Traynor, seconded by Anderson to: APPROVE THE PROPOSED REVISIONS TO THE "CONTINUING EDUCATION PROVIDERS REQUEST TO BE DISPLAYED ON ND BOARD OF NURSING WEBSITE" WHICH INCLUDES A PROCESS FOR BOARD RATIFICATION OF STAFF APPROVAL AT THE NEXT BOARD MEETING.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>		
5.44 MN State Community & Technical College RN Refresher Course	<p><i>Discussion:</i> The board reviewed the report from MN State Community & Technical College RN or LPN Refresher Course for continued approval. Shanta indicated there is one issue of non-compliance related to the leadership component of the course. The course coordinator has been notified of the required revisions.</p> <p><i>Motion:</i> Case, seconded by Traynor to: MOVE that:</p> <ol style="list-style-type: none"> 1. THE RN REFRESHER COURSE OFFERED BY MN STATE COMMUNITY & TECHNICAL COLLEGE IS IN SUBSTANTIAL COMPLIANCE WITH THE BOARD ESTABLISHED GUIDELINES AS SET BY NDAC CHAPTER 54-02-05-05(B). 2. REQUIRE THE PROGRAM TO SUBMIT REVISIONS TO THE COURSE TO STRENGTHEN THE LEADERSHIP COMPONENT OF THE COURSE BEFORE DECEMBER 1, 2008 3. THE BOARD GRANT CONTINUED APPROVAL FOR THIS COURSE TO BE OFFERED BY MN STATE COMMUNITY & TECHNICAL COLLEGE FO THE NEXT FOUR YEARS – SEPTEMBER 2008 THROUGH SEPTEMBER 2012. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>		
5.51 Nurse Faculty Intern Pilot Study	<p><i>Discussion:</i> Staff reported that the Nurse Faculty Intern Pilot Study is entering its third year. Thirteen applications have been received since the last board meeting that meets all the requirements to participate in the program. Traynor recused herself from this agenda item. Staff noted that they have requested a no cost extension on the pilot study and grant through Spring 2009 in order to complete this year's data. Patricia Moulton, Kalanek, and Shanta have met and reviewed the project. The researchers will submit another grant application to NCSBN for continuation of the study.</p> <p><i>Motion:</i> Sund, seconded by Anderson to: RATIFY APPROVAL OF THE FOLLOWING NURSE FACULTY INTERNS:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> Heidi Okeson Gail Gores Nancy Greywater Joann Kveum Mary Adkins Amy Fiala Sheila Goettle </td> <td style="width: 50%; vertical-align: top;"> Nicole Wilson Jessica Kotrba Sarah Komprood Erik Watson Keith Nelson Kara Vollrath </td> </tr> </table> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, recuse; 8 yes, 0 no, 1 recuse, 0 absent. Motion carried.</p>	Heidi Okeson Gail Gores Nancy Greywater Joann Kveum Mary Adkins Amy Fiala Sheila Goettle	Nicole Wilson Jessica Kotrba Sarah Komprood Erik Watson Keith Nelson Kara Vollrath
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5.51 Nurse Faculty Intern Pilot Study (continued)	<p><i>Discussion:</i> Two applicants did not meet the two year registered nurse practice experience requirement needed to participate in the study.</p> <p><i>Motion:</i> Anderson, seconded by Case to: DENY THE FOLLOWING NURSE FACULTY INTERNS APPLICATIONS AS THEY DO NOT MEET THE MINIMUM OF TWO YEAR REGISTERED NURSE PRACTICE EXPERIENCE REQUIREMENT TO PARTICIPATE IN THE STUDY:</p> <ul style="list-style-type: none"> • KATIE PENCE • GLORIA AYUCK <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>
5.521 Non-notification of students practicing in ND facilities	<p><i>Discussion:</i> Staff reported there are currently 259 out of state students practicing in ND. Reports are continuing to come in, and a written update will be provided at the next meeting. There have been issues of students who are obtaining clinical experience in ND without the board being notified that they are doing so. These individuals do not hold a ND license, but are in ND facilities under the student exemption. The law requires notification to the board of students who fall under the exemption and are obtaining clinical experience in ND. The board and staff discussed the notification process, and indicated that an article will be published in the Dakota Nurse Connection. It was also noted that it has been discussed at NDONE meetings as well. Staff request a letter of concern be sent to facilities that allow an individual to obtain clinical experience without board notification.</p> <p><i>Motion:</i> Traynor, seconded by Sund to: DIRECT STAFF TO ISSUE A LETTER OF CONCERN TO ANY DIRECTOR OF NURSING OR FACILITY FOUND TO BE VIOLATING NDCC 43-12.1-04 (12).</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>
5.54 NE Summit Meeting	<p>The board reviewed a report on the Nursing Education Summit Teleconference Committee Meeting. A ND team was selected by Robert Wood Johnson Foundation to attend a Nursing Education Summit on Nursing shortage. .</p>
6.11 CHRC Progress Report & Chain of Custody Issues	<p>The board reviewed statistics of the Criminal History Records check since July 17, 2008. There have been a total of 444 fingerprint cards sent to applicants since July 17, 2008. 264 cards have been returned (59%), with 225 completed results (85%). 13% of the cards have been returned for inaccurate or incomplete information, and 10% have been returned for fingerprint retakes. 10% of the CHRC results have had criminal history results. Also reported were the following chain of custody issues:</p> <ul style="list-style-type: none"> • Fingerprint cards are sent to the licensee's home address. • If licensee notifies staff that they did not receive two cards, another set of fingerprint cards are sent to the same address. • Once fingerprinted, the cards are returned to the applicant to submit to NDBON. • Incomplete demographic information or signatures returned to applicant. • Signature of law enforcement missing from fingerprint card and returned to application for completion. • Cards received in office signed by law enforcement but no demographic information completed by applicant are not returned to applicant but sent another set of fingerprint cards. <p>Other issues:</p> <ul style="list-style-type: none"> • NSF Checks • Outdated money orders. <p>During the public forum, it was reported that the Idaho Board of Nursing shares CHRC results for employment and licensure. Kalanek indicated staff will contact the Idaho Board of Nursing for clarification. The ND Board of Nursing has been informed by the FBI that according to federal law, the results cannot be disclosed to any other third person or entity, and the record check can only be used for the purpose that it has been requested.</p>
6.12 License by Examination and Issuance of Results & Continuation of Work Authorization	<p><i>Discussion:</i> Staff requested clarification from the board on the license by examination process for releasing NCLEX results. Currently the applicants are issued a 90 day work authorization prior to receipt of fingerprint cards. It was reported that many applicants are not sending in the fingerprint cards prior to the examination, with many times a month lapses between the time the cards were sent and they are returned. If the NCLEX results are received and the applicant does not have a completed CHRC, a letter is sent to the applicant explaining that they will continue to practice under the work authorization until the CHRC results are received to complete the license by examination application. A temporary permit is not being issued, as these applicants are already issued a 90-day work authorization with plenty of time to return the fingerprint cards for processing prior to taking the NCLEX.</p> <p><i>Motion:</i> Sund, seconded by Anderson to: APPROVE THAT THE APPLICANTS FOR LICENSE BY EXAMINATION MUST HAVE A COMPLETED APPLICATION (INCLUDING CRIMINAL HISTORY RECORD CHECK RESULTS) FOR THE PASSING TEST RESULTS TO BE RELEASED AND A FULL LICENSE ISSUED. THE APPLICANT WITH AN INCOMPLETE APPLICATION MUST CONTINUE TO WORK UNDER THE 90-DAY WORK AUTHORIZATION UNTIL A FULL LICENSE IS ISSUED.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>

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AGENDA ITEM	ACTION
6.13 Issuance of Temporary Permit – set an expiration date	<p><i>Discussion:</i> Staff requested the board set an expiration date for temporary permits that are being issued pending the results of the criminal history records check for the following types of applications: Initial Unlicensed Assistive Person Registry or Reactivation; Initial Medication Assistant Registry or Reactivation; and RN or LPN License Reactivation. License by Endorsement, License by Examination, and APRN Licensure have permit requirements. The rules specify 90 days for the work authorization or temporary permit for license by examination or endorsement. The board discussed the issue and indicated 90 days was too long for the CHRC.</p> <p><i>Motion:</i> Traynor, seconded by Rustvang to: SET AN EXPIRATION DATE FOR ALL TEMPORARY PERMITS WAITING FOR CHRC RESULTS FOR 60 DAYS.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>
6.16 Revision to Policy – Investigative Plan	<p><i>Discussion:</i> At their September 2, 2008 meeting, the Executive Committee proposed to add a section to the board's investigative plan to address PVRs received on current board members or staff. The proposed new section indicates that three board members would serve as the disciplinary review panel and appointment by the board President. The following is the recommendation from the Executive Committee: RECOMMEND APPROVAL OF THE REVISIONS TO THE INVESTIGATIVE PLAN TO ADDRESS POTENTIAL VIOLATION REPORTS AGAINST A CURRENT BOARD MEMBER OR CURRENT STAFF MEMBER. The board discussed the proposal. It was noted that conflicts of interest will still exist when board members or staff members need to investigate one another when they have had a past working relationship. The board discussed whether the policy should specify an outside agency or individuals to do an investigation. Some members felt that some type of direction was needed, and this could be a starting point. The attorney general's office would not handle an investigation, but would offer legal advice. The board discussed the use of another ND state occupational board investigator (Board of Medical Examiners), or another state board of nursing (SD Board of Nursing), that would have knowledge of the North Dakota Nurse Practices Act. The board continued to discuss whether any other boards or commissions have any policies in place that could be used for a model. Tello-Pool had contacted NCSBN and AK Board of Nursing to determine if either had addressed this issue in policy, and neither had one in place. She indicated that law enforcement uses an internal affairs department for handling such issues. Tello-Pool moved to table the Executive Committee recommendation until the next meeting. After continued discussion, motion to table was withdrawn. It was suggested that the board could use representatives of the ND Leadership Council who are not associated with the board for an investigative panel. It was recommended that additional research should be done on the issue as to what other boards of nursing or state boards or commissions have in place. Some board members expressed concern with not having something added to the policy immediately. Three other boards of nursing will be contacted for any policies they have in place regarding this issue.</p> <p><i>Motion:</i> Sund, seconded by Tello Pool DIRECT EXECUTIVE COMMITTEE TO DISCUSS WITH OTHER AGENCIES PROCESSES OR POLICIES IN PLACE FOR INVESTIGATING CURRENT BOARD MEMBERS AND STAFF AND BRING ISSUE BACK TO THE NOVEMBER BOARD MEETING.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>
6.161 License by Endorsement RN – APRN	<p><i>Discussion:</i> Staff requested direction from the board as to how much time must lapse between receipt of an application for license by endorsement and an APRN application before a second CHRC is required. The applications rarely arrive at the same time, and some are waiting months to apply for the APRN.</p> <p><i>Motion:</i> Traynor, seconded by Anderson that: A NEW CHRC CRIMINAL HISTORY RECORD CHECK WILL BE REQUIRED FOR RN/APRN ENDORSEMENT APPLICANTS IF 90 DAYS HAS LAPSED BETWEEN THE TWO APPLICATIONS.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>
6.17 Revision to Disclosure Questions	<p><i>Discussion:</i> The criminal history disclosure questions were revised July 1 to state "Have you been arrested, charged, or convicted of a felony". The question used to ask for all arrests, charges, or convictions other than a minor traffic offense. The board reviewed documentation that the majority of licensure/registration denials have been the result of felony charges, not misdemeanors. .</p> <p><i>Motion:</i> Sund, seconded by Anderson to: RATIFY THE CRIMINAL HISTORY DISCLOSURE QUESTION AS STATED: "HAVE YOU BEEN ARRESTED, CHARGED, OR CONVICTED OF A FELONY."</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>

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AGENDA ITEM	ACTION
6.18 Revisions to Frequently Asked Questions for Criminal History Record Checks	<p><i>Discussion:</i> Staff reviewed revisions to the Criminal History Record Check “Frequently Asked Questions”. Most revisions were editorial or clarification of policy changes.</p> <p><i>Motion:</i> Traynor, seconded by Anderson to: APPROVE THE REVISIONS TO THE FAQ FOR CRIMINAL HISTORY RECORD CHECKS.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 9 yes, 0 no, 0 absent. Motion carried.</p>
6.2 NCSBN – National Nurses Aide Assessment Program (NNAAP)	The board reviewed a news release from NCSBN reporting that they have acquired exclusive ownership of the intellectual property for National Nurse Aide Assessment Program (NNAAP) and the Medication Aide Certification Examination (MACE). Hill has contacted NCSBN to inquire if there will be any immediate changes, with the response being none at this time.
6.3 Fall Member Board Review – October	Kalanek requested that the new board members consider participating in the NCLEX Fall Member Board Review. Both will set up times with Kalanek to do so.
6.4 NCSBN Uniform Core Licensure Requirements Conference	Hill and Bitz will attend the Uniform Core Licensure Requirements Conference in November in Chicago. All expenses will be covered by a grant received by NCSBN.
7.11 Approval of Registrations: Technicians	<p><i>Discussion:</i> One application has been received from Stephanie Oasheim for surgical technician. She is a graduate of AAS program for cardiology technician. Staff recommended approval of her application.</p> <p><i>Motion:</i> Case, seconded by Traynor to: APPROVE STEPHANIE OASHEIM'S APPLICATION FOR SURGICAL TECHNICIAN.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, absent; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
7.12 Hospital EMTs Exemption from NPA	This agenda item will be tabled until the next meeting when Sund is present.
7.13 NDBOP Response to ND Dept of Health – Division of Health Facilities	The Board reviewed a response from Howard Anderson, Executive Director of the Board of Pharmacy to a surveyor from the ND Dept of Health that encountered a situation during a Home Health Agency survey of nurses that were storing medications for clients in the trunk of their car. Anderson responded that was not appropriate, and that the medications should be in a locked cabinet either in an office, or if necessary, in the nurses home.
7.14 Current licensed nurses with 50 years of service – Golden Certificate	<p><i>Discussion:</i> The board office receives a number of calls from nurses who have been licensed for 50 years or more. Kalanek requested that the board consider sending each a certificate from the board.</p> <p><i>Motion:</i> Anderson, seconded by Traynor to: APPROVE THE SENDING OF A “GOLDEN CERTIFICATE” TO THOSE NURSES CURRENTLY LICENSED IN ND FOR 50 YEARS.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, absent; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
7.15 NCSBN iToefl Standard Setting Panel – ND Nominations	<p><i>Discussion:</i> NCBSN is conducting a standard setting workshop on the Internet-based Test of English as a Foreign Language (iTOEFL). Member boards are asked to nominate nurses for this committee. Three have volunteered and were nominated from ND.</p> <p><i>Motion:</i> Traynor, seconded by Case that: THE BOARD RATIFY THE NOMINATIONS OF THE NCSBN I-TOEFL STANDARD SETTING PANEL AS FOLLOWS:</p> <ul style="list-style-type: none"> ○ LORETTA HEUER, PHD, RN, FAAN ○ CHERYL LAUSCH, MS, MA, RN ○ PAT THOMPSON, MS, RN <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, absent; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
7.16 Request for NDBON representation on the Executive Council for the ND Hospital Telepharmacy Project	<p><i>Discussion:</i> The board office has received a request for a representative for the Board of Nursing to participate in the Executive Council for North Dakota hospital telepharmacy project. Kalanek has investigated if this project has a political motivation behind it and has not found any information that would indicate it does. Howard Anderson, ED of the ND Board of Pharmacy has recommended Kalanek for participation in the project.</p> <p><i>Motion:</i> Traynor, seconded by Anderson to: APPROVE DR. KALANEK TO REPRESENT THE NDBON ON THE TELPHARMACY EXECUTIVE COUNCIL (NDCC 43-12.1-08(K)).</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, absent; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
7.22 ND Nursing Workforce Needs – ND Higher Education Committee	The Board reviewed documentation of a presentation Dr. Moulton made to the ND Higher Education Committee regarding the ND Nursing Workforce Needs. Dr. Chandice Covington has presented shortage data through the ND Nursing Education Consortium project, and that data did not match that of the Nursing Needs study. The two have met, and the shortage data being presented has been agreed upon between Dr. Moulton and Dr. Covington. Kalanek indicated that communication about the study needs to continue throughout the state to make others aware of the study.

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AGENDA ITEM	ACTION																																								
7.23 ND Nursing Education Consortium Report – Year 01 (SB 2379)	The board reviewed slide presentations from the ND Nursing Education Consortium Report – Year 01.																																								
7.3 Advanced Practice	The board reviewed an e-mail from Cheryl Rising, FNP, regarding progress on the NP as primary care providers for Medicaid patients.																																								
7.31 Prescriptive Authority Applications	<p><i>Discussion:</i> Twenty individuals have submitted applications for prescriptive authority since the last meeting.</p> <p><i>Motion:</i> Traynor, seconded by Anderson to:</p> <p>RATIFY PRESCRIPTIVE AUTHORITY FOR THE FOLLOWING:</p> <table> <tr> <td>Erin Lee, APRN, FNP</td><td>CP: Stephen P Christensen, MD</td></tr> <tr> <td>Heather Shimek, APRN, FNP</td><td>CP: Hans Bjellum, MD</td></tr> <tr> <td>Rachel Koch, APRN, FNP</td><td>CP: Rohini Becherl, MD</td></tr> <tr> <td>Carey Rivinius, APRN, FNP</td><td>CP: Kent Diehl, MD</td></tr> <tr> <td>Thomas Jurek, APRN, FNP</td><td>CP: Phillip McRill, MD</td></tr> <tr> <td>Jacquelyn Free, APRN, FNP</td><td>CP: Michael Boulter, MD</td></tr> <tr> <td>Barbara Mickelson, APRN, FNP</td><td>CP: Scott Rowe, MD</td></tr> <tr> <td>Tami Dobbs, APRN, FNP</td><td>CP: Joseph Luger, MD</td></tr> <tr> <td>Amy Knutson, APRN FNP</td><td>CP: Kevin Muiderman, MD</td></tr> <tr> <td>Sally Eberle, APRN, FNP</td><td>CP: Joe Smothers, MD</td></tr> <tr> <td>Leah Swenson, APRN, FNP</td><td>CP: Barbara Sheets-Olson, MD</td></tr> <tr> <td>Rhonda Schmidt, APRN, FNP</td><td>CP: Patricia Anderson, MD</td></tr> <tr> <td>Andrea Bartholomay, APRN, NNP</td><td>CP: Stephen Nelson, MD</td></tr> <tr> <td>Michael Kropp, APRN, FNP</td><td>CP: Hans Bjellum, MD</td></tr> <tr> <td>Sarah Baker, APRN, FNP</td><td>CP: Michelle Tincher, MD</td></tr> <tr> <td>Tosha Bayer, APRN, FNP</td><td>CP: Fadel Nammour, MD</td></tr> <tr> <td>Doe Gasque, APRN, FNP</td><td>CP: Philip McRill, MD</td></tr> <tr> <td>Robert Solberg, APRN, FNP</td><td>CP: Hans Bjellum, MD</td></tr> <tr> <td>Jody Sharp, APRN, FNP</td><td>CP: Joshua Omotunde, MD</td></tr> <tr> <td>Andea Riendeau, APRN, FNP</td><td>CP: Colleen Swank, MD</td></tr> </table> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, absent; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>	Erin Lee, APRN, FNP	CP: Stephen P Christensen, MD	Heather Shimek, APRN, FNP	CP: Hans Bjellum, MD	Rachel Koch, APRN, FNP	CP: Rohini Becherl, MD	Carey Rivinius, APRN, FNP	CP: Kent Diehl, MD	Thomas Jurek, APRN, FNP	CP: Phillip McRill, MD	Jacquelyn Free, APRN, FNP	CP: Michael Boulter, MD	Barbara Mickelson, APRN, FNP	CP: Scott Rowe, MD	Tami Dobbs, APRN, FNP	CP: Joseph Luger, MD	Amy Knutson, APRN FNP	CP: Kevin Muiderman, MD	Sally Eberle, APRN, FNP	CP: Joe Smothers, MD	Leah Swenson, APRN, FNP	CP: Barbara Sheets-Olson, MD	Rhonda Schmidt, APRN, FNP	CP: Patricia Anderson, MD	Andrea Bartholomay, APRN, NNP	CP: Stephen Nelson, MD	Michael Kropp, APRN, FNP	CP: Hans Bjellum, MD	Sarah Baker, APRN, FNP	CP: Michelle Tincher, MD	Tosha Bayer, APRN, FNP	CP: Fadel Nammour, MD	Doe Gasque, APRN, FNP	CP: Philip McRill, MD	Robert Solberg, APRN, FNP	CP: Hans Bjellum, MD	Jody Sharp, APRN, FNP	CP: Joshua Omotunde, MD	Andea Riendeau, APRN, FNP	CP: Colleen Swank, MD
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7.33 Appointment to the Prescriptive Authority Committee	The Board of Medical Examiners has reappointed Dr. Gordon D Leingang, DO as their representative on the APRN Prescriptive Authority Committee for 2008-2009. The Board of Pharmacy has reappointed Rick L. Detwiller, R.Ph.																																								
7.34 APRN – ANA Nursing World	Kalanek provided a website from ANA Nursing World related to Advanced Practice Nursing. She reported that the use of the title Dr. in the field of nursing for the Nurse Practitioners is being discussed at the American Medical Association meetings.																																								
7.35 Administrative Guidelines for Practitioner Dispensing in ND -NDBOP	The board reviewed “Administrative Guidelines or Practitioner Dispensing in North Dakota” from the ND Board of Pharmacy.																																								
7.36 Request for recognition of CNS or NPs updated PMH examinations	<p><i>Discussion:</i> The American Nurses Credentialing Center and the American Psychiatric Nurses Association are considering combining the Adult Psych Mental Health (PMH) CNS and the Adult PMH NP certification exams into one exam and eliminating the existing certification exams. The decision has not yet been made, so NCSBN is asking boards to review the issue for any concerns. Kalanek indicated combining the exams will give it higher numbers of test takers and may allow the exam to be evaluated for psychometrically soundness.</p> <p><i>Motion:</i> Traynor, seconded by Anderson to:</p> <p>CONTINUE TO RECOGNIZE THE PMH ADULT CNS/NP EXAMINATION FOR THE PURPOSE OF APRN LICENSURE AS IT MEETS THE NCSBN'S APRN CERTIFICATION CRITERIA.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, absent; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>																																								
7.37 Request by Christine Peterson, APRN, FNP	<p><i>Discussion:</i> Christine Peterson, FNP, has been deployed with the military, and upon her return, discovered that her certification as a Family Nurse Practitioner had expired. She has submitted the required information for recertification, but the process takes some time. Ms. Peterson is requesting a grace period to get the certification processed and to continue with an active APRN licensure.</p> <p><i>Motion:</i> Anderson, seconded by Traynor to:</p> <p>ALLOW CHRISTINE PETERSON APRN, FNP A GRACE PERIOD OF 60 DAYS TO OBTAIN VERIFICATION OF CONTINUED CERTIFICATION.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, absent; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>																																								

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7.5 Administrative Rule Promulgation/Legislative Council Issues	The joint hearing on the Expedited Partner Therapy proposed rules by the ND Board of Nursing, ND Board of Pharmacy, and ND Board of Medical Examiners will be held on September 24, 2008 at 10:00 a.m. Patricia Hill will be attending representing the Board of Nursing.
AGENDA ITEM	ACTION
7.51 Legislative Bills Affecting State Agencies	The board reviewed notification from ND Legislative Council that any agency bills must be prefilled with the Legislative Council by December 4, 2008. The board has no plans for prefilled bills.
7.53 Communication Policy & Form	Board members requested this form be posted on the website. It will be posted under the "Forms" section, then under Miscellaneous. Kalanek will also e-mail to all members.
7.54 Communication with Senators & Representatives	None
7.55 Open Records Requests for Lists of Names and Addresses	On occasion, the board office receives questions from nurses regarding releasing names and addresses from the board's database. Bergeson reviewed the issue in light of the open records laws, and indicated that the board must provide names of licensees, but personal information may be exempt. The board's practice has been to provide only names and addresses of those requested, and Bergeson recommends the board continue with that practice of having the licensee's address as part of the open record.
7.6 Website & Renewal	Kalanek indicated that the renewal process for RNs and LPNs will begin the first part of October. Many new applications and processes are going on-line.
9.3 Executive Committee – Employer/Employee Issues; Calvin Rolfson, Attorney at Law, present for this agenda item.	<p><i>Discussion:</i> The Executive Committee met on September 2, 2008 and the recommendations from that committee meeting have already been reviewed. The committee met again on September 12, 2008 to discuss employee/employer issues with Dr. Kalanek. The board reviewed the minutes of the two meetings and the response by Cal Rolfson, Attorney at Law. The response was reviewed at the September 12th meeting. The Executive Committee put forth a recommendation to the full board that there is no reason to impose disciplinary employee action or negative references. Tello-Pool responded to comments made in Rolfson's response that referenced her that she felt were not correct. Tello-Pool recused herself from the rest of the discussion and left the room. Christianson indicated as she did in the Executive Committee meeting, that she did not feel there was any willful intent to mislead or provide false information to the board. All Executive Committee members expressed the same opinion. Board staff requested that board members consider: "Was this issue only the staff's responsibility and/or was it each board members responsibility to ask questions if they are not certain what they are voting on?". Staff questioned why one board member can discuss this issue privately throughout and all others must comply with governance process. Benson indicated that the board did discuss that things could have and should have been done differently with this issue as a board, and he hoped that they were taking appropriate steps by putting language in place to prevent this type of issue from arising again. The board discussed speaking with one voice, and Benson indicated the Executive Committee will make it a priority to work on this issue. He indicated that the Board cannot be effective if they are not united and speak with one voice. Case indicated that the trust the board has in staff may have contributed in this situation. Anderson apologized to Kalanek for what she has been through, and any role she as a board member may have played in it. Kalanek indicated she appreciates the board members that have supported her, and that it has been very difficult. Her name and reputation have been "smeared through the mud", and will take quite some time to determine the effects of the destruction. The board discussed again when individually contacted on issues, that all calls should be directed to Benson or Bergeson.</p> <p><i>Motion from Executive Committee:</i> RECOMMEND TO THE BOARD THAT THERE IS NOTHING IN THE RECORD OF FACTS THAT POINTS TO ANY REASON TO IMPOSE EMPLOYEE DISCIPLINE OR NEGATIVE REFERENCES AGAINST DR. KALANEK.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, absent; Tello-Pool, recuse; Traynor, yes; 7 yes, 0 no, 1 recuse, 1 absent. Motion carried.</p>
12.1 Board Governance Model – Review and Orientation	Bergeson reviewed the disciplinary process and ex parte communications with new and existing members. The Orientation Manual and Governance Model were also reviewed.
12.2 Updated list of BON Committee Appointments	<p><i>Discussion:</i> Board members selected committee assignments for the 08-09 fiscal year. Rustvang will be the board representative on the Prescription Drug Monitoring Committee, which is not a board committee.</p> <p><i>Motion:</i> Case, seconded by Traynor to: APPROVE THE 2008-2009 COMMITTEE APPOINTMENTS AS FOLLOWS: Executive Committee: Benson, Traynor, Christianson Prescriptive Authority Committee: Rustvang Program Monitoring Committee: Anderson, Christianson, Traynor Nursing Education Committee: Case, Traynor, Tello-Pool Finance Committee: Christianson, Benson, Frank Nursing Practice Committee: Benson, Sund, Christianson</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Frank, yes; Rustvang, yes; Sund, absent; Tello-Pool, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
12.3 Attendance at Meetings	The following board members volunteered to attend the following annual meetings on behalf of the board: ND Nurses Association – Sund ND Rural & Public Health Conference – Case, Benson ND LTCA Conference – Christianson ND Health Care Association Annual Meeting – Traynor

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12.4 Bergeson attendance at FARB Conference	The board typically pays a portion of the cost for Brian Bergeson, SAAG, to attend a national meeting on behalf of the board. Board members agree by consensus to pay a portion this year.
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CONSENT AGENDA:

8.1 NCSBN
8.11 Report from President
8.12 Direct Care Workers Information
8.2 Office Management
8.21 Updated fee schedule
8.3 Nursing Practice
8.31 Summary of practice calls
8.4 Workplace Impairment Program Report
8.41 Statistics
8.42 Summary Report
8.5 Unlicensed Assistive Person/Medication Assistant
8.51 Testing Summary Report
8.52 NNAAP Testing
8.53 Unlicensed Assistive Person
8.6 Licensure
8.61 Licensed Nurse
8.62 Unlicensed Assistive Person
8.63 NCLEX-RN
8.64 NCLEX-PN
8.7 Discipline
8.71 Disciplinary Statistics/Case Activity Report
8.8 Legal Counsel
8.9 Education
8.91 MSU-Moorhead notification of leadership change
8.92 NCTC notification of 30 AND students engaged in clinical education in ND facilities
8.93 MSCTC notification of 38 AASPN students engaged in clinical education in ND facilities
8.94 University of Wisconsin OshKosh notification of 1 BSN student engaged in clinical education in ND facilities.
8.95 MSCTC notification of 30 students engaged in clinical education in ND facilities
8.96 MSUM notification of 33 students engaged in clinical education in ND facilities
8.97 NDSU Student Recognition Program
8.98 Thank you notes from NEL Recipients Elisha Anderson, Lauren Stoppler and Denise Nelson
8.99 USD notification of 1 ADN student engaged in clinical education in ND facilities
8.991 Northland Community & Technical College notification of 110 AASPN students engaged in clinical education in ND facilities
8.992 Presentation College notification of 15 BSN students engaged in clinical education in ND facilities

BOARD COMMITTEES:

9.0 Program Monitoring Committee	
9.1 Nursing Education Committee	
9.2 Finance Committee	
9.3 Executive Committee	September 2, 2008 @ 1:30 p.m; September 12 @ 10:30 a.m. (see above agenda item)
9.4 Prescriptive Authority Committee	
9.6 Nursing Practice Committee	

UPCOMING MEETINGS & REPORT OF MEETINGS ATTENDED:

10.1 NCSBN Annual Meetings – Bitz reviewed the highlights of the Annual Meeting. Tello-Pool indicated she will be attending a research function on October 1 st in Washington DC.
10.2 NCSBN Monthly Meetings by teleconference calls and onsite:
10.2-1 Policy Call – July 30
10.2-2 Education Consultant Network – July 8

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10.2-3 Discipline Networking Call
10.2-4 EO Network –
10.2-5 NLCA Meeting – August 6, Chicago
10.2-6 Mid-Year Meeting –
10.2-8 NCSBN Executive Officers Leadership Seminar;
10.2-9 Annual Institute of Regulatory Excellence – January 12-14, 2009
10.2-11 IRE Committee
10.2-12 Board Investigator & Attorney Workshop;
10.2-13 NCLEX Invitational – September 8
10.2-14 Practice Consultant – July 18
10.2-15 Examination Committee - July 23
10.2-20 Regulation of Unlicensed Personnel
10.2-21 Nursys Committee
10.2-22 Workshop on Regulation of Unlicensed Assistive Person (UAP)
10.2-23 NCLEX Examination Committee – July 23; October 21-23
10.2-24 Finance Committee – July 29
10.2-25 TERCAP User Conference Call
10.2-26 Board of Directors – August 4
10.2-27 NCSBN Annual Meeting – August 5-8, 2009
10.2-28 Caregiver Services Advisory Committee – August 19 - Hill reviewed highlights of the meeting. The group is discussing whether or not criminal history record checks should be required.
10.3 ND Nurse Leadership Council – June 12; September 24 – Benson indicated the last meeting was in Jamestown with good representation. Dialogue dealing with nursing shortage numbers seems to have resolved the issue. The minutes of the June 12 th meeting were reviewed.
10.4 ND Organization of Nurse Executives
10.5 ND Nurses Association - October 17, 2008
10.6 ND Rural & Public Health Conference –Mandan, April 1-3, 2009
10.7 ND LTCA Conference, - September 16, 2008
10.8 ND Health Care Association Annual Meeting, September 24-25, 2008
10.9 ND Domestic and Sexual Violence State Prevention Team – July 28 Kalanek has been attending these meetings and indicated there is a wide representation putting together a plan for prevention of domestic and sexual violence.
10.10 Nurse Education Higher Education Work Group
10.11 Prescription Drug Monitoring Program Meeting – had appointed an outside member. Since we have an APRN with Prescriptive Authority, Daniel Rustvang will represent the board. Dr. Kalanek will contact Cheryl Rising and thank her for her service to the Board.
10.12 Nursing Education Consortium – SB 2379 – August Traynor indicated the next meeting is September 30, 2008.
10.13 PHEVR/MRC Advisory Committee – August 19. – Committee on hold - staff responsible has left position.
10.14 Healthcare Workforce Summit Workgroup Participants – Kalanek
10.15 American Academy of Nurse Practitioners Annual Region 8 Meeting

Staff Presentation

11.1 NPA, Violation of NPA & WIP, MCO College of Nursing, September 29, 2008 – Bitz

The meeting recessed for lunch at 11:50 a.m. on September 18, 2008 and reconvened at 1:10 p.m.

The meeting adjourned at 3:35 p.m. on September 18, 2008

Constance B. Kalanek, RN, PhD
Executive Director
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